
By: **St. Mary's County Delegation**

Introduced and read first time: February 7, 2003

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **St. Mary's County - Alcoholic Beverages - License Applications**

3 FOR the purpose of making applicable to the Alcohol Beverage Board of St. Mary's
4 County the requirement that an application for an alcoholic beverages license
5 must be disapproved if certain findings are made and must be approved if the
6 findings are not made; and generally relating to applications for alcoholic
7 beverages licenses in St. Mary's County.

8 BY repealing and reenacting, with amendments,
9 Article 2B - Alcoholic Beverages
10 Section 10-202(a)
11 Annotated Code of Maryland
12 (2001 Replacement Volume and 2002 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article 2B - Alcoholic Beverages**

16 10-202.

17 (a) (1) (i) Before the Board of License Commissioners for Baltimore City
18 or any county approves any application for a license, the Board shall cause a notice of
19 the application to be published two times in two successive weeks:

20 1. For Baltimore City licensee applicants - in three
21 newspapers of general circulation in Baltimore City.

22 2. For county licensee applicants - in two newspapers of
23 general circulation in the county where two newspapers are published, and if not,
24 then in one newspaper having a general circulation in the county.

25 (ii) The notice shall specify the name of the applicant, the kind of
26 license for which application is made, the location of the place of business proposed to
27 be licensed, and the time and place fixed by the board for a hearing on the application.

1 (iii) The hearing may not be less than seven nor more than 30 days
2 after the last publication.

3 (iv) At the time fixed by the notice for a hearing on the application
4 or on any postponement of the time, any person shall be heard on either side of the
5 question.

6 (2) (i) This paragraph does not apply in Baltimore City, Harford
7 County, or St. Mary's County.

8 (ii) Before approving an application and issuing a license, the board
9 shall consider:

10 1. The public need and desire for the license;

11 2. The number and location of existing licensees and the
12 potential effect on existing licensees of the license applied for;

13 3. The potential commonality or uniqueness of the services
14 and products to be offered by the applicant's business;

15 4. The impact on the general health, safety, and welfare of
16 the community, including issues relating to crime, traffic conditions, parking, or
17 convenience; and

18 5. Any other necessary factors as determined by the board.

19 [(iii)] (3) (I) THIS PARAGRAPH DOES NOT APPLY IN BALTIMORE
20 CITY OR HARFORD COUNTY.

21 (II) The application shall be disapproved and the license for which
22 application is made shall be refused if the Board of License Commissioners for the
23 City or any county determines that:

24 1. The granting of the license is not necessary for the
25 accommodation of the public;

26 2. The applicant is not a fit person to receive the license for
27 which application is made;

28 3. The applicant has made a material false statement in his
29 application;

30 4. The applicant has practiced fraud in connection with the
31 application;

32 5. The operation of the business, if the license is granted, will
33 unduly disturb the peace of the residents of the neighborhood in which the place of
34 business is to be located; or

